IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.537 OF 2006

BK Mangalabahen and Ors. ..Petitioners

Vs.

State of Maharashtra
through Ambarnath Police St.
and Anr. ..Respondents

...

Mr.Nitin Vhatkar & Prajit Manjrekar Advocate for Petitioners
Mr.V.B.Konde-Deshmukh, A.P.P. for Respondent-State

...

CORAM: D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.

DATE : MARCH 7, 2006

P.C.:

1. The petitioners have challenged the order of issuance of process by the Magistrate. They contend that the police report in this regard was in the negative and in their favour and inspite of that Magistrate has issued process against them. We have perused the copy of the complaint. It appears that the Magistrate has used its discretion in issuing process. In our view, the petitioners should approach appropriate Court for redressal of

their grievances and proper reliefs. Counsel for the petitioners states that petitioner nos.1 and 2 are sisters and other accused nos.3 to 6 have been exempted from their personal appearance, therefore, if the petitioner nos.1 and 2 also do apply to Magistrate for exemption, the Magistrate shall consider and grant them exemption taking undertaking from their counsel that he should keep them present before the Court as and when necessary.

2. With the above directions, the petition is disposed of.

[D.G.DESHPANDE, J.]

[SMT.V.K.TAHILRAMANI,J.]